

## REMARKS

The Examiner has rejected claim 1 under 35 USC 102(b) as being anticipated by Cote et al. (US 6 485 703), he has rejected claims 2- 3 under 35 USC 103(a) as being unpatentable over Cote et al. in view of Chung (US 6 395 607) and he has rejected claims 5 – 6 under 35 USC 103(a) as being unpatentable over Cote et al. in view of Yu (US 5 660 961).

Cote et al. (US 6 485 703) discloses a variety of chemically stable non-toxic and non-antigenic hydro-gel particles which undergo a measurable change in at least one electrochemical or optical property as a function of interaction with one or more substances to be detected. Also disclosed are methods for using the hydro-gel particles to detect one or more selected analytes and in certain aspects detect one or more analytes in vivo. Further provided are devices used to detect and measure the optical or electrochemical changes. It is noted on column 61, line 52 ff that ellipsometry was performed to determine layer thicknesses using Gaertner software.

Chung (US 6 395 607) discloses an integrated circuit fabrication method, that is a micro-electronic device having a self-aligned metal diffusion barrier. Dielectric components used include polymers which may be mixed with solvents and deposited on a substrate via conventional spin coating or other procedures to form a polymer layer on the substrate. It is noted that the thickness may vary depending on the deposition procedure in a range of 500Å to 50,000Å.

Yu (US 5 660 961) relates to an electrophotographic imaging member having enhanced layer adhesion and freedom from reflection intolerance.

The present invention resides in a method for determining the molecular weight of polymers by spin coating a substrate with a polymer to prepare a thin layer of the polymer whose molecular weight is to be determined, determining the thickness of the thin layer by an ellipsometric method and calculating, with the thickness of the layer determined by the ellipsometric method, the molecular weight of the polymer material from a layer thickness-molecular weight correlations.

It is of course known to determine the thickness of a layer by an ellipsometric method and it is also known to apply a polymer solution on a substrate. But it is certainly novel to determine the molecular weight of a polymer by spin-coating a substrate with the polymer

whose molecular weight is to be determined, determining the thickness of the layer applied by spin coating by an ellipsometric method and calculating the molecular weight of the polymer material from a layer thickness – molecular weight correlation.

It is noted that, with the spin coating process an accurately reproducible layer thickness can be obtained so that, with a given viscosity at a certain spin coating speed, the molecular weight can be determined.

Such a method is certainly not disclosed by Cote et al. nor by Chung so that claim 1 as amended is clearly novel.

Since furthermore no hint can be taken from either Cote et al., nor from Chung which would lead to a method for determining the molecular weight of polymers as claimed in claim 1 as amended, it can hardly be said credibly that a combination of the two references would lead to the method as defined in claim 1.

It is noted that Cote et al. is concerned with clinically stable, non-toxic and non-antigenic particles which undergo a measurable change in some property as a function of interaction with one or more substances to be detected.. And Chung is concerned with an integrated circuit fabrication method for self-aligned copper diffusion barriers.

The fact that a polymer layer is produced in Cote et al. and in Chung on a substrate by a spin coating process shows only that spin coating processes are known for producing layers of polymer. But there is no connection leading to a method for determining the molecular weight of polymers. And it is well established that such a connection is necessary if an invention is to be considered obvious from a combination of references. Besides, the prior art is not concerned with a method for determining the molecular weight of polymers using a spin coating procedure and calculating from the thickness of the coating the molecular weight by way of a thickness-molecular weight correlation and a reader could therefore certainly not derive therefrom any hint in this direction.

Reconsideration of claim 1 as amended as being obvious from Cote et al. in view of Chung is respectfully requested.. (Claim 1 has been amended to include the main subject matter of claim 2 so that the 35 U.S.C. 103(a) rejection of claim 2 applies now to claim 1.)

Claims 2 and 3 are dependent on claim 1 and consequently include all the features of claim 1 so that these two claims should be patentable together with claim 1.

Claims 4 and 7 to 10 have been indicated by the Examiner to be allowable if rewritten to be in independent form. However, claim 4 is now dependent on a claim, which is considered to be allowable so that also claim 4 should be allowable.

Claim 6 now depends on claim 7. Also claim 8 depends on claim 7 so that claims 6 and 8 include all the features of claim 7 and should also be patentable.

Claim 9 has been corrected to be a method claim dependent on claim 1. Claim 9 and claim 10 also depend on claim 1 (by way of claim 3) and should also be patentable.

Reconsideration of the Examiner's rejections and allowance of claims 1 – 4 and 6 – 10 is solicited.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "K. Bach", with a stylized flourish at the end.

Klaus J. Bach, Reg. No. 26832